IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2959 OF 2006

Mahatma Gandhi Seva Mandir ...Petitioner.

V/s.

The State of Maharashtra & Ors. ...Respondents.

Shri.P.W. Karlekar for the petitioner.
Shri.A.V. Malvankar AGP for the State.

CORAM : DR.S. RADHAKRISHNAN & V.M. KANADE, JJ.

DATED : 19/08/2006

P.C.:-

1. Heard learned counsel for the petitioner and learned AGP for the respondent Nos.1 to 3. Presence of respondent No.4 is not necessary at this stage.

2. Basically, the petitioner is challenging the order dated 16th February, 2006 passed by the learned Deputy Director of Education. In spite of our order dated 21/11/2005 in writ petition No.5150 of 2005 wherein we had directed the Deputy Director of Education to give a fair hearing to the petitioner and decide the said matter, the Order dated 16th February 2006, which is impugned in this petition is totally bereft of any reasons and hence can not be

sustained at all. Hence, order dated 16th February, 2006 stands quashed and set aside. Rule is accordingly made absolute.

3. In view thereof, the matter is remanded back to the Deputy Director of Education with the specific direction that the Deputy Director of Education shall give a personal hearing to the parties concerned and then apply his mind and pass a reasoned order.

4. Writ petition is, accordingly disposed of.

(DR.S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)